

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CONSERVATION LAW FOUNDATION, )  
INC., )  
Plaintiff, )  
 )  
v. )  
 )  
EXXONMOBIL CORP., EXXONMOBIL ) C.A. No. 16-11950-MLW  
OIL CORP., EXXONMOBIL )  
PIPELINE CO., )  
Defendants. )  
 )  
)

ORDER

WOLF, D.J.

December 3, 2018

For the reasons explained in court on November 30, 2018, it  
is hereby ORDERED that:

1. The parties shall, by December 18, 2018, discuss with the Environmental Protection Agency ("EPA") the status of defendants' application to renew the National Pollutant Discharges Elimination System Permit for the Everett Terminal, and report, jointly if possible but individually if necessary, whether and when the EPA is expected to act on defendants' application. They shall also report whether they plan to file suit against the EPA--either in this action or a separate action--pursuant to 5 U.S.C. §702 for "fail[ure] to act in an official capacity," and if they believe that such an action would be futile or undesirable, explain the reasons for their position(s).

2. The parties shall order the transcript of the November 30, 2018 hearing on an expedited basis.

3. The hearing on defendants' Motion to Dismiss the Amended Complaint will resume on December 20, 2018, at 10:00 a.m.

Charles E. Hays  
UNITED STATES DISTRICT JUDGE